United States of America v
Jack Eugene Carpenter III

6th Circuit Court of Appeals case:
23-1661

District Court case:
23-20152

14

To whom it may concern,

I apologize for the greeting as I do not know the name of the honorable judge who will receive this. Included in this letter is a letter from JP Nogues which I wish to address a few statements made to me while noting his agreement with the obvious conflict in regards to his representation to an appeal where I am arguing ineffective assistance of council.

First, in the third paragraph he explains how a legal argument that the US State Department confirmed, and interacted with me as a foreign nation in November of 2022 is perceived by him to be "frivolous". To be frivolous means that it is not supported by facts or law. However, he is personally aware of the emails to the Dept of Justice & Joint Chief of Staff that immediately followed the phone call to the US State Department where they understood my legal argument and walked me through the process to obtain a non-immigrant visa. So he is aware of facts that support the challenge to jurisdiction. This alone is enough, however, the Declaration of Sovereignty contains the legal claim as well. He can assume the legal claim lacks merit, despite the US State Dept agreeing it complies with international law and interacting with me as a foreign nation, but cannot claim it is "frivolous." This point is confirmed by the fact that we had a conversation in front of Dana Mertz where he agreed that facts and law support the argument, but that his personal beliefs were preventing the best outcome.

After agreeing with that assessment he then said that firing him would be of no benefit, and that I'll just be assigned someone else that will do the same thing as him. One cannot agree that facts and law support an argument but call it "frivolous".

In my appeal I requested an attorney to represent me that fits a certain criteria to avoid the ineffective assistance of Council I have experienced and am arguing in appeal, though my appeal is not limited to this topic as I am also arguing abuse of discretion regarding a hybrid defense in the absence of a jury and abuse of process due to assuming a legal claim is evidence of incompetency without determining it's validity on the merits while proceeding as if a challenge to jurisdiction was not made when, as a matter of law, once jurisdiction is challenged it must be proven. A proceeding must not only be fair, it must also appear fair.

I have also requested that the granted motion for competency evaluation be stayed while this appeal is in progress. At the time I made this request I was in the Milan Federal Detention Center. I have been moved to Seattle Washington. I respectfully request to be moved back to Michigan at the Detention Center there. Despite the fact that they have honey available to detainees which is healthier than aspertame sweeteners, they seem to yell less than here and treat the detainees, who like myself, have lost no rights since they are not convicted, better. Hopefully I can get a couple of jars of honey to mail with

my property.

Considering that I am arguing that the US Attorney is asking for a competency evaluation in bad faith as a method for discrediting two legal claims I have made and is participating in a conspiracy to hide fraud related to the COVID injections by claiming in thier motion for competency that my statements that it is unlawful to claim they were "safe" or "effective" was evidence of incompetency, it is not appropriate to continue my evaluation of competency unless this court is going to continue the theme of ignoring the law to hide fraud committed by those in the highest offices of government. To, yet again, point out the clear fraud the US Attorney claimed was evidence of incompetence I am including a listing of the relevant laws regarding the expanded access protocol for Investigational New Drugs and diagnostics which is also known as "Emergency Use Authorization". Do note that in addition to it being unlawful to claim they are "safe" or "effective", and that the definition of "Eligible patient" means that no law allows for prophylactic or preventative medication to be available for expanded access that each State has a "fraud through misrepresentation" law that makes it a felony to knowingly mislead the Citizens of thier State, whether on thier land or not, if the misleading statements are intended to compell behavior of the citizens of said State. Unlike Federal commercial regulations, like

the law I am charged with, this is actual criminal law. Since the propaganda switched from "safe" to "safe for most people" when the side effects became known, these are felonies that endanger human life. As such, the use as well as the lesser threatened use of deadly force is lawful and ^(The latter) first amendment protected speech. These facts are particularly relevant in my case, and makes obvious the goal in the US Attorney trying to claim these easily verified facts of law are evidence of incompetence. Which at this point anyone that attempts to claim such things are clearly corrupt.

The FBI and US Attorney should have listened when I said in December on Twitter and Email that they didn't want to arrest me then claim I was incompetent, that I was posting things on Twitter to make them confident in trying this tactic. I really wish people would listen to me when I do that. One day someone will ask how I knew [redacted] in December what the US Attorney would do in March when I wasn't arrested until February. Then they'll wonder how I told Amy Peters at U of M 7 months before they mandated the Covid injections how I knew they would do that, and that I would be fired. It's not guessing. I've been doing it in permanent records now for a while. The conversation with Amy Peters took place in email. Someone catch on... Any time now, I've left them messages all over. In the meantime though, please bring me

back to the Milan FDC. I have friends there and I can use any phone, not just the one for "white people". Thank you for your time and patience.

PS. I would like to add that JP Nogues continues to attempt to create a false association between my jurisdictional claim and Sovereign Citizens. The Sovereign Citizens movement stems from faulty legal arguments regarding a valid legal question: "What happened to Article 4 section 2 citizens of the Several States when 14th Amendment US citizens were created?" The US Supreme court has answered this question, in part, in the Slaughter house cases where they note that there are, in fact, two distinct citizens and the rights of each depend on the character of Citizenship. Are they Article 4 Section 2 Citizens of the Several States owing thier protection of rights to the States or are they 14th Amendment US citizens owing the protection of rights to the US government? The fact that they use the oxymoron term "Sovereign" in thier faulty legal arguments has no relation to my legal claim.

My distinct claim is that the State of Michigan arbitrarily and unlawfully created two classes of citizens and

after utilizing reasonable means to have the rights I was owed protection honored, to no avail, and placed in a state of Nature with want of a neutral magistrate, I chose to exercize a codified right to revolt and form my own government. That the US government codified congressional intent to recognize that claim, even if some aspects of international law are not met, in the Dept of Defense Law of War manual, chapter I. That this is a valid expression of the right to self defense that is beyond this court to question. That the US govt [redacted] assented to this claim by not responding when several US govt offices were informed multiple times and multiple ways over 4 months, as well as the US State Dept interacting with me as a foreign nation. Due to these facts, the common law rule that the head of a foreign nation is immune from US courts, as explained by the [redacted] US State Dept on Nov 18, 2022 is in play, and I must be released.

Outside of the word "Sovereign", there are no similarities between these two arguments.

Thank you for your consideration, and as an aside, in case this court rules that "one has the right to keep and bear arms to remain free from arbitrary control of government, but not to revolt, hahaha (evil tyrant laugh)", I have no interest in sharing political bonds with a people that have to be told it's not ok to coerce people to take legally defined experimenta

medication for a use outside of its license and it was never tested for. I can clearly see that my rights are not protected by people who are unable to draw that conclusion on thier own.

21 CFR 312.7 Promotion of Investigational drugs
a) Promotion of an Investigational Drug. A sponsor or Investigator, or any person acting on behalf of a sponsor or investigator, shall not represent in a promotional context that an investigational new drug is safe or effective for the purposes in which it is under investigation or otherwise promote the drug.

21 section 9 § 360bbb Expanded access to unapproved therapies and diagnostics

360bbb(a)
The Secretary may, under appropriate conditions determined by the Secretary, authorize the shipment of Investigational drugs or investigation devices for the diagnosis, monitoring, or treatment of a serious disease or condition in emergency situations.

360bbb-0a(b) Eligible Investigational new drugs provided to Eligible Patients in compliance with this section are exempt from sections 502(F), 503(b)(4), 505(a), and 505(i) of this act, and Parts 50, 56, and 312 of title 21 CFR or any successor regulations, provided that the sponsor of such eligible investigational use drug or any person that manufactures, distributes, prescribes, dispenses, introduces or delivers for introduction into interstate commerce or provides to an eligible patient an eligible investigational use drug pursuant to this section is in compliance with the applicable requirements set forth in sections 312.6, 312.7 and 312.8(d)(1) of title 21 CFR that apply to investigational use drugs.

360bbb-0a(a)(1)

The term eligible patient means a patient

a) who has been diagnosed with a life threatening disease or condition

b) who has exhausted approved treatment options and is unable to participate in a clinical trial involving the eligible IND, as certified by a physician who—

(i) is in good standing with the physician's licensing board

(ii) will not be compensated directly by the manufacturer

(C) who has provided informed consent

From this wording it is clear that in an emergency that people diagnosed with a disease can be granted access to investigational (synonymous with experimental) drugs or devices to diagnose, monitor or treat serious illness if they have exhausted all options and cannot be entered into a study. Glaringly absent is healthy people given experimental drugs to prevent a disease.

For the record, the "crazy guy" caught that, but no lawyer or judge has. This is in addition to it being unlawful to claim they are "safe" or "effective". Define competent.

FEDERAL COMMUNITY DEFENDER
Eastern District of Michigan
613 Abbott Street, Suite 500
Detroit, Michigan 48226
Telephone: (313) 967-5542 ▪ *Facsimile:* (313) 962-0685

MICHAEL CARTER
Executive Director/Chief Counsel

JEAN PIERRE NOGUES
Assistant Defender
(313) 967-5840

July 27, 2023

CONFIDENTIAL LEGAL MAIL

Jack Eugene Carpenter, III
Register No. 45173-510
FDC SeaTac
2425 South 200th Street
Seattle, WA 98198

Re: United States of America v. Jack Eugene Carpenter, III
6th Circuit Court of Appeals Case No.: 23-1661
United States District Court Case No.: 23-20152

Dear Mr. Carpenter:

I received notification of your notice of appeal filed *pro se*. According to Sixth Circuit rules, when a defendant files an appeal *pro se*, his court-appointed trial attorney is required to file a notice of appearance to represent him in that appeal until specifically relieved by the Court of Appeals. For that reason, I have filed a notice of appearance.

Also, as required by Sixth Circuit rules, I have requested a transcript produced of the hearing you are challenging—specifically, the hearing regarding the Government's Motion for Competency Evaluation. Once the transcript is produced, I will send you a copy.

One point of clarification: you have repeated several times in letters and "motions" filed to the district court that I chose not to raise the jurisdictional issue because of a "personal opinion," as opposed to a "legal opinion." This is wrong, and actually completely opposite of the truth. On a personal level, I would be happy to file anything that could help you achieve your legal goals. However, I am constrained by my legal obligations as an officer of the court, and by my understanding of the law. It is my legal opinion that your jurisdictional arguments have no validity. It is my legal opinion that your specific arguments related to your immunity from federal jurisdiction are legally indistinguishable from so-called "sovereign citizen" arguments, which have been unanimously rejected by every single court in the United States (and Canada, incidentally) to address such an argument. It is my legal opinion that such an argument is therefore "frivolous", and I cannot file a frivolous motion without violating Rule 3.1 of the American Bar Association's Model Rules of Professional Conduct (which have been adopted by most jurisdictions in the country) as well as Canon 7 of the New York Lawyer's Code of Professional Responsibility (to which I swore to adhere to when I received my license

to practice law in that state, which is how I am able to practice law in federal court). Thus, the reasons I am not making your jurisdictional arguments are fundamentally legal.

Going forward: Rule 38 of the Federal Rules of Appellate Practice threatens sanctions to any person who files a frivolous appeal. I completely understand that you do not believe that your appeal is frivolous. However, I must, pursuant to the various rules of professional responsibility cited above, continue to advise you that your jurisdictional argument is frivolous. I must also advise you that an appeal of the court's denial of your *pro se* motion for hybrid representation is frivolous at this time, because the government's motion for a competency evaluation was pending at the time of the motion and was subsequently granted. A person whose legal competency is in question cannot represent themselves in court until the competency issue has been resolved. For these reasons, I cannot support an appeal based on those issues.

On the other hand, I never found your opposition to the Government's Motion for Competency Evaluation to be frivolous. That's why I agreed with you, and argued against the Motion in district court. While I do not think that your appeal of this issue has any chance of success at the appellate level, I do not think your appeal is frivolous. This leads us to a quandary: should I represent you on the appeal of this issue? Unfortunately, if the argument is meritorious, then that means that you are presumptively competent, and that your assertion that I am providing ineffective assistance of trial counsel creates a conflict of interest that precludes my representation of you in an appeal. Thus, unless you are willing to withdraw your argument that I am providing ineffective assistance, I will not be able to make appellate arguments on your behalf as to your non-frivolous competency issue.

One more thing to note: the Bureau of Prisons asked me to provide any information or personal observations relevant to its evaluation of your competency. I responded that there are no records of mental illness, and that I opposed the government's request for an evaluation.

Sincerely,

FEDERAL COMMUNITY DEFENDER
EASTERN DISTRICT OF MICHIGAN

Jean Pierre Nogues
Jean Pierre Nogues
Assistant Defender

JN/sdc
cc: Dana Mertz

JP,

I am aware that, despite verbally agreeing that your personal beliefs are interfering with my defense and then telling me that firing you will do no good because I'll just get assigned someone else to do the same thing, you want to put forth the false notion you were doing some honorable ideal of the law. I'd like to remind you that you told me that you understand that it is frustrating to keep putting fact after fact in front of people and they disregard it. Then when I asked if you saw the email to the DOJ about the State Dept interaction and then were "shocked" the judge responded to the jurisdiction argument after you "knew" he wouldn't, how you could still believe you were right, the best "justification" you could muster was that I was lying. I'd like to remind you that this isn't the first time I explained the law to a person or group of people whose job it was to know the law, they profusely claim I am wrong, and then I am shown to be correct. In fact, I've done this with an entire courthouse of clerks, administrators of the court, and judges. I've won every legal argument I've ever made. I ignore you because you are wrong, and quite frankly pompous in your error. But, the more we interact, the more obvious it is that its not ignorance, it's intent. Good luck in court arguing your claim. You are going to need it. Do the right thing and remove yourself. I do not need your help, you are a hinderance.

[redacted]

flip

I am not just challenging the hearing, but also that every judge / magistrate has ignored the challenge to jurisdiction and assumed In personam jurisdiction exists. That the correct order was to determine whether or not my legal argument had merit before simply claiming it was itself evidence of incompetence. Also that striking my "motions" (that quoting was cute, btw. I caught that) was abuse of discretion that resulted in a violation of the right to defend myself because you refuse to speak when told to. Among other arguments. I requested the whole record. All filings, responses, and transcripts of oral proceedings. I'd also like the PPO's you took "to copy and get back to me" you never did so it looked like I assented when I didn't. I also want my discovery I asked for on April 18th that you still have not provided. This was also pointed out in a letter to the judge. Other than getting me those things I don't want you filing anything or even speaking in my case, you are clearly sabotaging it, I want you removed. Thank you.

- Josh

FEDERAL DETENTION CENTER
NAME: Jack Carpenter
REG: 45173-510 UNIT: DC
P.O. BOX 13900
SEATTLE, WA. 98198-1090

SEATTLE WA 980

9 AUG 2023 PM 2 L

Clerk of the Court of
Honorable Mark A Goldsmith
Theodore Levin United States Courthouse
231 West Lafayette boulevard, 5th floor
Detroit, MI 48226

48226-277758